

**Unapproved
MARSHALL COUNTY COMMISSION MEETING
Britton, South Dakota**

The Board of County Commissioners met in regular session at 9:00 a.m. on June 22, 2021 in the Commissioner Meeting room and via Zoom video conference. Members present were Medhaug, Jones, Schuller, and Knebel. Commissioner Luttrell was absent. Commissioner Medhaug presided. The meeting was open to the public and was offered via Zoom on computer and conference call. The Chairman called the meeting to order and the Pledge of Allegiance was recited by everyone in attendance. Shelby Thompson, Kalissa Stelzer and Sandy Dinger were present for portions of the meeting via Zoom.

AGENDA:

Knebel moved, Jones seconded approve the agenda for June 22, 2021. All members present voted aye.

MINUTES:

Knebel moved, Schuller seconded to approve the minutes for June 8, 2021. All members present voted aye.

CLAIMS:

Schuller moved, Jones seconded to approve and pay the following claims. All members present voted aye. PAYROLL by department: June 10, 2021: Commissioners 1424.35; Auditor 3436.78; Treasurer 4239.02; States Attorney 1508.29; Courthouse 2424.01; Director 4582.97; Register 2747.57; VSO 681.33; Sheriff 17029.72; Jail 4978.41; Welfare 475.56; Nurse 516.14; Ambulance 9608.60; Extension 744.66; Weed 1225.39; Zoning 1772.57; Highway 13514.89; E911 2839.68; Emergency Management 536.31; EMPLOYER FICA & MEDICARE: First Savings Bank 5374.59
EMPLOYER SOUTH DAKOTA RETIREMENT SYSTEM: 3825.90

ARAMARK	59.36
BAUS OIL CO	95.20
BAUS REPAIR	79.95
BOUND TREE MEDICAL LLC	951.60
CENTURY LINK	288.15
COMFORT INN & SUITES	123.49
DAVID BECK PLUMBING & SERV	89.51
DEERE CREDIT INC.	41311.10
DELANEY NIELSEN SANNES PC	783.30
DINGER, SANDY	153.72
DIRK W WEBER	265.00
DMC WEAR PARTS LLC	753.00
DOLLAR GENERAL-REGIONS 410	19.80
EDEN OIL	5500.00
FIRST SAVINGS BANK	17.50
HOFLAND, DUSTIN	30.01
HOLLAND NAPA AUTO PARTS	159.05

JENNIFER RINGKOB	148.97
JOHN DEERE FINANCIAL	819.85
JULIE SYMENS	67.20
KASSI JONES	27.64
KENS FOOD FAIR	154.94
KONICA MINOLTA PREMIER FIN	101.39
KRAUSE BROS CONSTRUCTION	3168.96
KRISTI BRANDT, PRP	91.65
LARISSA HEITMANN	15.12
MARCO INC	114.81
MARSHALL CO TREASURER	321.08
MAXWELL ELECTRIC LLC	235.29
MENARDS/ ABERDEEN	18.92
MIKES HEATING & COOLING CO	468.37
OFFICE OF CHILD & FAMILY S	1090.00
OTTER TAIL POWER COMPANY	171.39
QUARVE DRUG	19.96
QUILL CORPORATION	704.14
SD PUBLIC ASSURANCE ALLIAN	82547.06
SD SHERIFFS ASSOCIATION	115.00
SOUTHSIDE EQUIPMENT	9.95
STAN HOUSTON EQUIP CO INC	164.26
TEAM LAB	1535.50
TWO WAY SOLUTIONS, INC.	500.98
U.S. POSTAL SERVICE	122.00
VENTURE COMMUNICATIONS	2289.59
ZYLSTRA INVESTIGATIONS, LL	1763.06

ZONING:

Erin Collins-Miles, Zoning Director met with the board to discuss Zoning business. Darrell and Lois Vig were present via conference call to request a 12.1-foot variance and a 13.4-foot variance to the to the 30-foot right-of-way line setback and a 2.1-foot variance to the 7-foot property line setback. A letter of objection from Selina Thorson, adjoining landowner, was read by Erin Collins-Miles. Thorson is objecting to the variance to the property line. Schuller moved, Jones seconded to approve the 12.1- and 13.4-foot variance to the right-of-way line setback. Schuller, Medhaug, Jones voted aye, Knebel excused. Motion carried. Jones moved, Schuller seconded to postpone the 2.1 foot variance to allow property owners to consider others options for placement. Schuller, Medhaug, Jones voted aye, Knebel excused. Motion carried. Collins-Miles read a letter rescinding a previous objection to the variance request from Roger Renner. The landowners have come to an agreement that the variance can be a 3-foot variance to the property line instead of the original 6-foot variance applied for. Jones moved, Knebel seconded to approve a 7-foot variance to the NW Corner and a 2-foot variance to the NE corner to the 30-foot right-of-way line setback, a 3-foot variance

to the property line setback, and a 10-foot variance and a 22-foot variance to the 50-foot normal high-water mark setback. All members present voted aye.

Knebel moved, Schuller seconded to approve the following plat: Pat of Sailor Point Addition of Village on Nine Mile in Section 31, T127N, R55W of the 5th P.M., Marshall County, South Dakota. All members present voted aye.

Knebel moved, Schuller seconded to approve building permits for the following applicants: Roger Renner, American Tower/SMJ International, Chris Pallesen Construction, Peggy Johnson, Royce Grimsrud, Darrell & Lois Vig. All members present voted aye.

HIGHWAY:

Dustin Hofland, Highway Superintendent met with the board and Sandy Dinger, Highway Secretary met via Zoom to discuss Highway Department business. Hofland informed the board that the Highway Department has been working on blading and a culvert in County Road 16. The culverts they had been working on North of Veblen are completed. Hofland is talking with Webster Scale about the Eden project on 438th Ave as BDM is unable to get pipe right now, so they cannot move their water lines in order to proceed with this project.

The board received the May highway budget report from Dinger.

The board discussed the insurance company recommendation to have the Eden Shop looked at as part of the building is not on the foundation. Auditor Biel reported that Schuster Construction looked at the building and reported that the portion that is not on the foundation is not load bearing and therefore is not a concern.

FUEL QUOTES:

Sandy Dinger received the following quotes for gasoline for the Britton Shop on June 14: Eden Oil \$2.75. No other quotes were available at the time delivery was needed. Eden Oil delivered gasoline to the Britton Shop.

BURN ORDINANCE:

Knebel moved, Jones seconded to pass the following burn ordinance under emergency circumstances pursuant to SDCL 7-18A-8:

MARSHALL COUNTY ORDINANCE NO. 48

WHEREAS, the Commissioners of Marshall County are charged with protecting the health and safety of the citizens of Marshall County, including all property situated therein; and

WHEREAS, South Dakota Codified Law (SDCL) § 7-8-20(18) authorizes the Marshall County Commission to prohibit or restrict open burning, after consultation with the local fire officials and law enforcement officials, in order to protect the public health and safety; and

WHEREAS, the Commissioners of Marshall County have determined that in the interest of public health and safety, it is prudent to prohibit open burning when climatic conditions indicate the threat of wildfire in Marshall County; and

WHEREAS, the Commissioners of Marshall County have determined that it is in the interest of public health and safety that Marshall County be notified when and where

open burning is occurring so that emergency resources are effectively used within Marshall County; and

WHEREAS, the Commissioners of Marshall County, pursuant to SDCL § 7-18A-8, hereby deem it necessary for the immediate preservation of the public health and safety to adopt the restrictions set forth in this Ordinance and it is the intent of the Marshall County Board of Commissioners that the provisions of this Ordinance shall Take effect immediately upon passage by the Board.

NOW, THEREFORE, BE IT ORDAINED BY THE MARSHALL COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:

SECTION I DEFINITION:

- A. **Open Burning.** The intentional burning of any substance whether natural or manmade, or the intentional casting off of any burning substance, whether natural or manmade, except the burning of such substance in a container sufficient so as to prohibit the escape of any of the burning substance, or any sparks, flames or hot ashes from the container. The escape of any such burning substance, or the escape of any sparks, flames or hot ashes from any such container shall be deemed prima facie evidence that the container was insufficient so as to meet the exception from the definition of any open burning set forth herein. The maintaining of a fire in any interior fireplace, stove or furnace is specifically excluded from the definition of an open burning as contemplated by this ordinance.

SECTION II REGULATIONS:

- A. **Reporting of Controlled Burns.** Anyone who burns off land or other flammable material shall before such burn notify the Marshall County Sheriff's Office by calling at 605-448-5181 and provide the following information:
- a. Location of the burn,
 - b. time of burn,
 - c. substance to be burned,
 - d. approximate completion time of the burn and
 - e. a contact phone number for the responsible person.

Anyone who violates this section in whole or part is guilty as described below in Section III.

- i. This reporting requirement shall not apply to the burning of household and yard waste, providing such burning is done so, safely. It shall be deemed negligent if such fire escapes the original site of the fire and shall be punishable in accordance with SDCL 34-35-9.
- B. **Automatic Open Burning Ban.** Whenever the National Weather Services has declared that the Fire Danger Index in Marshall County to be very high or extreme, there is an automatic ban for all Open Burning within Marshall County. The automatic ban on Open Burning shall automatically be suspended once the Fire Danger Index in Marshall County falls below the very high category.
- a. The website currently used by Marshall County to determine Fire Danger Index is the following: <https://www.weather.gov/unr/rfd>. This website

may be updated by resolution if the website used to determine the Fire Danger Index changes.

- C. **Commissioners “Fire Danger Emergency” Declaration.** In addition to the Automatic Open Burning Ban above, the Marshall County Commissioners may, when weather or other conditions which may make Open Burning of any substance unduly hazardous and danger to public safety, declare a “Fire Danger Emergency”. If a “Fire Danger Emergency” is declared, all open burning of any substance shall be prohibited within any or all of the unincorporated area of Marshall County until such time as the resolution declaring the “Fire Danger Emergency” shall have been rescinded by appropriate action of the Marshall County Board of Commissioners.

SECTION III PENALTY AND REMEDY:

- A. **Penalty.** The penalty for each violation of this ordinance shall be a Class 2 Misdemeanor. (SDCL 7-18A-2 and SDCL 22-6-2(2)).
- B. **Fire Suppression Cost.** Any violation of this ordinance is subject to the suppression costs of extinguishing the fire. (SDCL 5-4-17)
- C. **No Prohibition Of Remedies.** Nothing herein shall be construed to prohibit or supersede any civil remedy otherwise available to any person or entity.
- D. **Duty of Care.** The permissibility of the ignition of any fire as specified herein shall not operate to relieve the ignitor of any duty of care otherwise imposed by law; nor shall this ordinance operate to absolve any person of any liability for damages to persons or property which may occur as a result of the fire.

SECTION IV SEVERABILITY

- A. **Severability.** If any provision of this ordinance shall be held invalid, it shall not affect any other provision of this ordinance that can be given effect without the invalid provision, and for this purpose, the provisions of this ordinance are hereby declared to be severable.

SECTION V IMMEDIACY AND ORDANCE REVOCATION:

- A. **Immediacy.** This Ordinance is declared to be necessary for the immediate preservation of public safety and pursuant to SDCL § 7-18A-8, shall be in full effect immediately upon passage.
- B. **Ordinance 26 Revoked:** Once this ordinance takes full effect, Marshall County Ordinance Number 26 is hereby REVOKED.
- C. **Permit Requirement Removed:** Once this ordinance takes full effect, Marshall County will be issuing no more permits for Open Burning.

First Reading : June 22, 2021

Second Reading: July 13, 2021

Adopted June 22, 2021

All members present voted aye.

ADMISSION OF SERVICE:

Schuller moved, Jones seconded to authorize the chair to sign an admission of service on a foreclosure notice on a property in Marshall County that the County has taxing interest on. All members present voted aye.

MARIJUANA DISPENSARY:

Victor Rapkoch, State's Attorney met with the board to inform them of a marijuana dispensary that is hoping to open in Veblen City. The City of Veblen is holding a special meeting on Friday June 25 regarding the subject.

TRAVEL:

Knebel moved, Jones seconded to authorize the following travel expenses: Larissa Heitmann to Langford June 8 for the "Don't Thump Your Melon" event and to Hickman Dam June 26 to deliver food to Shotgun Training; Jennifer Ringkob to Aberdeen June 5 for the Hub City Livestock Expo, to Madison June 7 for the Teen Leadership Conference, To Huron July 19-22 for the State Horse Show, and to Huron August 30-September 6 for the State Fair; Larissa Heitmann and Jennifer Ringkob to Webster June 28 for the County Horse Show. All members present voted aye.

PAY RAISE:

Per a 1-year review, Jones moved, Schuller seconded to approve a \$1.12 pay raise for Larissa Heitmann from \$15.76 to \$16.88/hour effective May 23. All members present voted aye.

SICK BANK:

Jones moved, Knebel seconded to authorize the Auditor's office to transfer 1,314.26 hours of sick time that were unused by employees that no longer work for Marshall County to the County Employee sick bank. All members present voted aye.

EXECUTIVE SESSION:

Medhaug moved, Jones seconded to enter into executive session at 11:15 am to discuss personnel issues. All members present voted aye.

JUNETEENTH:

The board discussed the Juneteenth holiday that was declared by the State and the Federal government with very little notice to the public of government employees. Jones moved, Knebel seconded to allow Marshall County employees Holiday leave for July 2 to make up for the missed Juneteenth holiday. All members present voted aye.

SEPARATE ACCOUNT:

The board discussed the American Rescue Plan monies that the County is receiving but is unclear on possible uses for. The use guidelines and reporting requirements are very lengthy and are still fully being determined. Knebel moved, Jones seconded to place this money into a separate bank account in order to make tracking the money easier. Treasurer Pam Oelkers will look into which different types of accounts and banks that would be best for the County. All members present voted aye.

ADJOURN:

Knebel moved, Schuller seconded to adjourn. All members present voted aye.

ATTEST:

Doug Medhaug, Chairman

Megan Biel, Auditor

Published once at the total approximate cost of_____.